

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 823

Introduced by Stuhr, 24

Read first time January 7, 2004

Committee: Judiciary

A BILL

1 FOR AN ACT relating to police animals; to amend section 28-906,
2 Reissue Revised Statutes of Nebraska, and section
3 28-1008, Revised Statutes Supplement, 2003; to provide
4 penalties for obstructing or harassing a police animal
5 owned or controlled by a law enforcement agency; to
6 redefine terms; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-906, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-906. (1) A person commits the offense of obstructing
4 a peace officer, when, by using or threatening to use violence,
5 force, physical interference, or obstacle, he or she intentionally
6 obstructs, impairs, or hinders (a) the enforcement of the penal law
7 or the preservation of the peace by a peace officer or judge acting
8 under color of his or her official authority or (b) a police animal
9 assisting a peace officer acting pursuant to the peace officer's
10 official authority.

11 (2) For purposes of this section, police animal means (a)
12 a horse ~~or dog~~ owned or controlled by the State of Nebraska a law
13 enforcement agency for the purpose of assisting a Nebraska state
14 ~~trooper~~ peace officer acting pursuant to his or her official
15 authority or (b) a dog, certified as a police service dog by the
16 Nebraska State Patrol, owned or controlled by a law enforcement
17 agency for the purpose of assisting a peace officer, certified as a
18 police service dog handler by the Nebraska State Patrol, acting
19 pursuant to his or her official authority.

20 (3) Obstructing a peace officer is a Class I misdemeanor.

21 Sec. 2. Section 28-1008, Revised Statutes Supplement,
22 2003, is amended to read:

23 28-1008. For purposes of sections 28-1008 to 28-1017:

24 (1) Abandon means to leave any animal for any length of
25 time without making effective provision for its food, water, or
26 other care as is reasonably necessary for the animal's health;

27 (2) Animal means any vertebrate member of the animal
28 kingdom. The term does not include an uncaptured wild creature;

1 (3) Cruelly mistreat means to knowingly and intentionally
2 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
3 otherwise inflict harm upon any animal;

4 (4) Cruelly neglect means to fail to provide any animal
5 in one's care, whether as owner or custodian, with food, water, or
6 other care as is reasonably necessary for the animal's health;

7 (5) Humane killing means the destruction of an animal by
8 a method which causes the animal a minimum of pain and suffering;

9 (6) Law enforcement officer means any member of the
10 Nebraska State Patrol, any county or deputy sheriff, any member of
11 the police force of any city or village, or any other public
12 official authorized by a city or village to enforce state or local
13 animal control laws, rules, regulations, or ordinances; and

14 (7) Police animal means (a) a horse ~~or dog~~ owned or
15 controlled by ~~the State of Nebraska~~ a law enforcement agency for
16 the purpose of assisting a ~~Nebraska state trooper~~ law enforcement
17 officer in the performance of his or her official enforcement
18 duties or (b) a dog, certified as a police service dog by the
19 Nebraska State Patrol, owned or controlled by a law enforcement
20 agency for the purpose of assisting a law enforcement officer,
21 certified as a police service dog handler by the Nebraska State
22 Patrol, in the performance of his or her official enforcement
23 duties.

24 Sec. 3. Original section 28-906, Reissue Revised
25 Statutes of Nebraska, and section 28-1008, Revised Statutes
26 Supplement, 2003, are repealed.